

Town Board Minutes

**Meeting
No. 22**

Regular Meeting

August 5, 1996

MEETINGS TO DATE 22
NO. OF REGULARS 15
NO. OF SPECIALS 7

LANCASTER, NEW YORK
AUGUST 5, 1996

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 5th day of August 1996 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, ASS'T. BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES

PERSONS ADDRESSING TOWN BOARD:

Beilman, Jack, 19 Inwood Place, spoke to the Town Board on the following matter:

Spoke in opposition to Bella Vista Rezone.

Sharp, Richard, 5161 Transit Road, spoke to the Town Board on the following matter:

Spoke in favor of Bella Vista Rezone.

Franke, George, 151 Northwood Drive, spoke to the Town Board on the following matter:

Spoke in opposition to Bella Vista Rezone.

Fiscus, Frances, 34 Eastwood Pkwy, spoke to the Town Board on the following matter:

Spoke in opposition to Bella Vista Rezone.

Charles, James, 48 Eastwood Pkwy, spoke to the Town Board on the following matter:

Spoke in opposition to Bella Vista Rezone.

Cippola, Joseph, 24 Patsy Lane, spoke to the Town Board on the following matter:

Answered questions of residents concerning Bella Vista Rezone.

Gambon, John, 66 Eastwood Pkwy, spoke to the Town Board on the following matter:

Spoke in opposition to Bella Vista Rezone.

Herdzig, Arthur, 68 Church Street, spoke to the Town Board on the following matter:

Commended the board on the thought decisions they must make on legislative matters.

Farrell, Joyce, 467 Pleasant View Drive, spoke to the Town Board on the following matter:

Requested status of the Master Plan preparation.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

Complained of traffic problems at the Tops Site.

Questioned the Supervisor about a recent water line break on Genesee Street at the Tops site.

Heckl, Robert, 706 Pavement Road, spoke to the Town Board on the following matter:

Requested explanation of any suspended resolutions.

Juszczak, Joseph, spoke to the Town Board on the following matter:

Asked that Bella Vista Rezone matter be tabled.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board and
the Planning Board held on July 15, 1996, and the Regular Meeting of the Town Board held
on July 15, 1996, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, Section 5.202.5 of the Election Law of the State of New York,
provides for consolidation of Election Districts for the purpose of registration of voters, and,

WHEREAS, the Town Clerk of the Town of Lancaster has consolidated polling
places for the years 1979 through 1995 thereby resulting in a substantial cost savings to the
taxpayers of the Town of Lancaster, and

WHEREAS, the Town Clerk has informed the Town Board that he wishes to
take advantage of Section 5.202.5 of the Election Law to save taxpayers \$18,000.00 in inspector
payroll costs,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby
authorized to contact the Erie County Board of Elections and request authorization from the Erie
County Board of Elections for the consolidation of forty-four (44) polling places within the
Town of Lancaster for the October 1996 Registration of Voters into a single place of
registration, that is the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 15, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, Burke Brothers Construction, Inc., S5540 Southwestern Boulevard, Hamburg, New York 1407, New York has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Hunters Creek North Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Hunters Creek North Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 433 - Street Lights - Hunters Creek North Subdivision

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein,
and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. ECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed a proposal for insurance consulting for the Town of Lancaster, and

WHEREAS, after due review and consideration of the proposals the Town Board has determined that it is in the public interest to accept the proposal made by Municipal Insurance Consultants, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an Agreement with Municipal Insurance Consultants, Inc., 370 Harlem Road, Buffalo, New York 142315 on the terms and conditions set forth in its proposal for the year commencing August 1, 1996 and running through August 1, 1997, at an annual fee of \$7,000.00, a copy of which is on file in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, Adrienne M. Graber, Clerk-Typist in the Town Justice
Department, by letter dated July 11, 1996, has requested a vacation leave, without pay, for the
week of August 12th through August 16th, 1996.

NOW, THEREFORE, BE IT

RESOLVED, that Adrianene M. Graber, Clerk-Typist in the Town Justice
Department, be and is hereby granted a vacation leave, without pay, for the period August 12th
through August 16th, 1996.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

FILE: RPERS.LVE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA , WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCIL
 MEMBER MONTOUR , TO WIT:

WHEREAS, Grand Island Electric, Inc., the electrical contractor for construction of the Youth Bureau has submitted Change Order No. E-1 for a deduction of \$(4,728.00) and Change Order No. E-2 in the amount of \$4,800.00 to the Town Board for its approval, and

WHEREAS, the Town Engineer, by letter dated July 15, 1996, has recommended such change orders,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order Nos. E-1 and E-2 to Grand Island Electric, Inc. with respect to the construction of the Youth Bureau according to the following description of changes to contract:

DESCRIPTION OF CHANGE ORDER:

Change Order No. E-1

Credit for installation of electrical service to Youth Bureau	Deduct (\$4,728.00)
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Change Order No. E-2

Provide all necessary labor, materials and equipment for Category 5 - computer wiring. Category 3 - telephone wiring and electrical trenching wiring. Circuit and stub lines for future parking lot.	Add \$4,800.00
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Original Contract Sum	\$94,300.00
Contract sum will be decreased by Change Order No. E-1	(4,728.00)
Contract sum prior to this change order	89,572.00
Contract sum will be increased by Change Order No. E-2	4,800.00
New contract sum including these change orders will be	\$94,372.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by memorandum dated July 23, 1996, has recommended the appointment of Angela Stewart, 115 Hinchey Avenue, Lancaster, New York 14086, to the position of Part-time Police Dispatcher in the Police Department of the Town of Lancaster, effective July 25, 1996 with no benefits,

NOW, THEREFORE, BE IT

RESOLVED, that Angela Stewart, 115 Hinchey Avenue, Lancaster, New York 14086 be and is hereby appointed to the part-time position of Police Dispatcher in the Police Department of the Town of Lancaster, at an hourly rate of \$12.44, (which is 75% of the full rate of \$16.58 per hour), with no Town benefits, said appointment effective July 25, 1996, and

BE IT FURTHER

RESOLVED, that said position is a part-time position not to exceed nineteen (19) hours per week, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: RPERS APP (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc.. by letter dated July 30, 1996, has requested the addition of the following member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department, Inc. of the following individual:

ADDITION

Lawrence V. Blair
6492 Broadway
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: RFIRE (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY, COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

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WHEREAS, a Public Hearing was held on the 20th day of May, 1996 on the petition of **Robert D. Alonzo, Agent for Randall Benderson 1993-1 Trust**, 570 Delaware Avenue, Buffalo, New York, for the rezone of certain property located on the southeast corner of Transit Road and Wehrle Drive in the Town of Lancaster, New York from an R1-Residential District One, to a GB-General Business District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

WHEREAS, the Petitioner, by letter dated July 18, 1996 amended the original rezone petition submitted by deleting a parcel of land juxtaposed to the east property line measuring sixty-five (65) feet wide and nine hundred eighty-eight (988) feet in depth in order to provide a buffer area to property owners to the east;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an R1-Residential District One to a GB-General Business District:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Lancaster, County of Erie and State of New York, described as part of Lot 12, Section 12, Township 11, Range 6 of the Holland Land Company Survey, bounded and described as follows:

BEGINNING at a point on the east line of Transit Road as a 100 foot wide right of way, at its intersection with the north line of Lot 12, which is also the centerline of Wehrle Drive;

THENCE easterly along the north line of said Lot 12, a distance of 1207.74 feet to a point;

THENCE southerly along a line parallel with the east line of said Lot 12, a distance of 30 feet to a point on the south line of Wehrle Drive;

THENCE southerly along said line which is parallel with the east line of said Lot 12, a distance of 380.00 feet to a point, which is the true and principal point of beginning;

THENCE westerly along a line parallel with the centerline of Wehrle Drive, a distance of 65.00 feet to a point;

THENCE southerly along a line parallel with the east line of Lot 12, a distance of 80.00 feet to a point;

THENCE westerly along a line parallel with Wehrle Drive, a distance of 180.00 feet to a point;

THENCE northerly along a line parallel with the east line of said Lot 12, a distance of 200.00 feet to a point;

THENCE westerly along a line parallel with the centerline of Wehrle Drive, a distance of 60.00 feet to a point;

THENCE southerly along a line parallel with the east line of said Lot 12, a distance of 728 feet to a point;

THENCE easterly along a line parallel with the centerline of Wehrle Drive, a distance of 305.00 feet to a point;

THENCE northerly parallel to the east line of said Lot 12, a distance of 608.00 feet to the true principal point of beginning.

This parcel containing 4.1 acres more or less.

2. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on August 5, 1996;

3. That a certified copy thereof be published in the Lancaster Bee on or before the 8th day of August, 1996;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: rarezbn

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
BENDERSON - TRANSIT ROAD/WEHRLE DRIVE**

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from an R1-Residential District One to a GB-General Business District:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Lancaster, County of Erie and State of New York, described as part of Lot 12, Section 12, Township 11, Range 6 of the Holland Land Company Survey, bounded and described as follows:

BEGINNING at a point on the east line of Transit Road as a 100 foot wide right of way, at its intersection with the north line of Lot 12, which is also the centerline of Wehrle Drive;

THENCE easterly along the north line of said Lot 12, a distance of 1207.74 feet to a point;

THENCE southerly along a line parallel with the east line of said Lot 12, a distance of 30 feet to a point on the south line of Wehrle Drive;

THENCE southerly along said line which is parallel with the east line of said Lot 12, a distance of 380.00 feet to a point, which is the true and principal point of beginning;

THENCE westerly along a line parallel with the centerline of Wehrle Drive, a distance of 65.00 feet to a point;

THENCE southerly along a line parallel with the east line of Lot 12, a distance of 80.00 feet to a point;

THENCE westerly along a line parallel with Wehrle Drive, a distance of 180.00 feet to a point;

THENCE northerly along a line parallel with the east line of said Lot 12, a distance of 200.00 feet to a point;

THENCE westerly along a line parallel with the centerline of Wehrle Drive, a distance of 60.00 feet to a point;

THENCE southerly along a line parallel with the east line of said Lot 12, a distance of 728 feet to a point;

THENCE easterly along a line parallel with the centerline of Wehrle Drive, a distance of 305.00 feet to a point;

THENCE northerly parallel to the east line of said Lot 12, a distance of 608.00 feet to the true principal point of beginning.

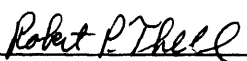
This parcel containing 4.1 acres more or less.

August 5, 1996

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

This is to Certify that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of An Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 5th day of August, 1996, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Town this 6th day of August, 1996.



Town Clerk\

File: rarezbd.lgl

THE FOLLOWING RESOLUTION WAS OFFERED
BY, COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of May, 1996 on the Petition of **EDWARD E. LEWIS**, 138 Wellington Road, Buffalo, New York, for the rezone of certain property located on the north side of Broadway, west of Cemetery Road, and east of Bowen Road in the Town of Lancaster, New York, from a GB-General Business District and AR-Agricultural Residential District to an MFR-3 - Multifamily Residential District Three, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a GB-General Business District and AR-Agricultural Residential District to an MFR-3 Multifamily Residential District Three:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, being part of Lot 1, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the north line of Broadway, such point being 945 feet westerly of the intersection of the north line of Broadway with the centerline of Cemetery Road;

THENCE northerly at an exterior angle of 96 degrees, 31 minutes, 30 seconds a distance of 153.77 feet;

THENCE northerly at a deflection angle of 6 degrees, 1 minute, 55 seconds a distance of 1526.74 feet;

THENCE easterly at an interior angle of 87 degrees, 56 minutes, 37 seconds a distance of 298.6 feet;

THENCE southerly at an interior angle of 88 degrees, a distance of 1600.78 feet to the north line of Broadway as widened;

THENCE westerly along the north line of Broadway at an interior angle of 103 degrees, 49 minutes, 13 seconds, a distance of 263 feet to an angle point therein;

THENCE westerly continuing along the north line of Broadway 25.91 feet to the place of beginning.

This parcel containing 11.18 acres, more or less.

This parcel designated by S.B.L. No. 116.00-1-11, being the premises locally known as 5844 Broadway, Lancaster, Erie County, N.Y.

2. That said Ordinance be added in the minutes of the Town Board of the Town of Lancaster held on the 5th day of August, 1996;

3. That a certified copy thereof be published in the Lancaster Bee on or before the 8th day of August, 1996;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED NO
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
COUNTRY MANSIONS**

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LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from a GB-General Business District and AR-Agricultural Residential District to an MFR-3 Multi-family Residential District Three:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 1, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the north line of Broadway, such point being 945 feet westerly of the intersection of the north line of Broadway with the centerline of Cemetery Road;

THENCE northerly at an exterior angle of 96 degrees, 31 minutes, 30 seconds a distance of 153.77 feet;

THENCE northerly at a deflection angle of 6 degrees, 1 minute, 55 seconds a distance of 1526.74 feet;

THENCE easterly at an interior angle of 87 degrees, 56 minutes, 37 seconds a distance of 298.6 feet;

THENCE southerly at an interior angle of 88 degrees, a distance of 1600.78 feet to the north line of Broadway as widened;

THENCE westerly along the north line of Broadway at an interior angle of 103 degrees, 49 minutes, 13 seconds, a distance of 263 feet to an angle point therein;

THENCE westerly continuing along the north line of Broadway 25.91 feet to the place of beginning.

This parcel containing 11.18 acres, more or less.

This parcel designated by S.B.L. No. 116.00-1-11, being the premises locally known as 5844 Broadway, Lancaster, Erie County, N.Y.

August 5, 1996

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

This is to certify that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of An Ordinance Amendment with the original thereof filed in my office at Lancaster, New York on the 5th day of August, 1996 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 5th day of August, 1996.



Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY, COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

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WHEREAS, a Public Hearing was held on the 15th day of July, 1996 on the petition of **COMO VILLAGE, INC.**, Frank Primerano, President, for the rezone of certain property located on the west side of Bowen Road, south of Broadway, in the Town of Lancaster, New York from an RCO-Residential Commercial Office District, R1-Residential District One and a GB-General Business District, to an MFR-3 Multifamily Residential District Three, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an RCO - Residential Commercial Office District, R1-Residential District One and a GB-General Business District, to an MFR-3 - Multi-family Residential District Three:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 3, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Bowen Road, said centerline also being the easterly line of Lot No. 3, said point of beginning being 300 feet southerly from the centerline of Broadway;

RUNNING THENCE south and along the centerline of Bowen Road, a distance of 487. to a point;

THENCE S 85 17' 49" W a distance of 1035.33 feet to a point;

THENCE N 01 17' 15" E a distance of 582.36 feet to a point;

THENCE south 89 07' 12" E, 346.27 feet to a point;

THENCE S 01 15' 15" W a distance of 46.81 feet to a point;

THENCE N 83 34' 02" E a distance of 368.28 feet to a point;

THENCE N 01 15' 15" E a distance of 15.14 feet to a point;

THENCE N 83 34' 02" E a distance of 120.92 feet to a point;

THENCE south and parallel to the centerline of Bowen Road a distance of 50 feet to a point;

THENCE N 83° 34' 02" E a distance of 200 feet to the Point of Beginning and containing 12.41± Acres.

2. That said Ordinance be added in the minutes of the Town Board of the Town of Lancaster held on the 5th day of August, 1996;

3. That a certified copy thereof be published in the Lancaster Bee on or before the 8th day of August, 1996;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a Certified Copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
COMO VILLAGE**

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LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District, R1-Residential District One and a GB-General Business District, to an MFR-3 - Multi-family Residential District Three:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 3, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Bowen Road, said centerline also being the easterly line of Lot No. 3, said point of beginning being 300 feet southerly from the centerline of Broadway;

RUNNING THENCE south and along the centerline of Bowen Road, a distance of 487. to a point;

THENCE S 85 17' 49" W a distance of 1035.33 feet to a point;

THENCE N 01 17' 15" E a distance of 582.36 feet to a point;

THENCE south 89 07' 12" E, 346.27 feet to a point;

THENCE S 01 15' 15" W a distance of 46.81 feet to a point;

THENCE N 83 34' 02" E a distance of 368.28 feet to a point;

THENCE N 01 15' 15" E a distance of 15.14 feet to a point;

THENCE N 83 34' 02" E a distance of 120.92 feet to a point;

THENCE south and parallel to the centerline of Bowen Road a distance of 50 feet to a point;

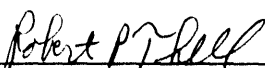
THENCE N 83 34' 02" E a distance of 200 feet to the Point of Beginning and containing 12.41± Acres.

August 5, 1996

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

This is to certify that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of An Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 5th day of August, 1966, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Town this 5th day of August, 1996.



Town Clerk

File: racomvl.lgl

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

Page 611

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, **VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**, designated as Chapter 46 of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed amendment to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 26th day of August, 1996, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before August 15, 1996, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: rvtordh.896

**LEGAL NOTICE
PUBLIC HEARING**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 5th day of August, 1996, the said Town Board will hold a Public Hearing on the 26th day of August, 1996, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE IX - Speed Regulations

§46-9. Maximum speed limits, shall be amended as follows:

.....
"B. Area speed limits shall be posted at thirty (30) miles per hour", shall be deleted in its entirety and a new "B" enacted in place thereof, which shall read as follows:

"B. Area speed limits shall be posted at thirty (30) miles per hour at all entrance roads and various locations within all subdivisions in the Town of Lancaster."

And

ARTICLE X - Parking, Standing and Stopping, shall be amended by adding thereto a new section to be known as §46-15, which shall read as follows:

§46-15. Parking of motor vehicles in excess of 12000 lbs. (6 tons) registered maximum gross weight as shown on a motor vehicle registration from any state or foreign country is prohibited except for the purpose of construction or delivery to a site.

- a) On all roads in subdivisions within the Town of Lancaster.
- b) On the following roads not in subdivisions within the Town of Lancaster:

- (1) Central Avenue

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: ROBERT P. THILL
Town Clerk**

August 5, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, it is essential to public safety that the Town of Lancaster continue
its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities,
and

WHEREAS, the County of Erie has tendered an application to the Town of
Lancaster for participation in said coordinated effort for the year 1996;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to
execute on behalf of the Town of Lancaster, the 1996 Application with the County of Erie for
participation in funding of alcohol related traffic safety law enforcement activities under the
1996 STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: rastpdwi

PREFILED RESOLUTION NO. 14 - MEETING OF 08/05/96

14. Stempniak/_____ Deny Zoning Ordinance Amendment Re: Map Change Petition
Bella Vista Group Inc Transit William Area

At the request of Council Member Stempniak, this resolution was withdrawn.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, M.J. PETERSON CORP., One Towne Center, Amherst, New
York, has heretofore applied for approval of WINDSOR RIDGE SUBDIVISION PHASE III,
and

WHEREAS, the Planning Board and Town Engineer have given their approval
to the filing of this subdivision;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the
WINDSOR RIDGE SUBDIVISION PHASE III, as filed by M.J. Peterson Corp.
2. That the Town Clerk of the Town of Lancaster be and is hereby directed
to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy
thereof .

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY, SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, Buffalo Telecom, Inc., 1759 Kenmore Avenue, Kenmore, New York 14217, has submitted a proposal dated May 22, 1996 for the installation of a telephone system in the amount of \$6,020.00 for the Youth Bureau Facility located at Oxford Park in the Village of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed said proposal and recommends approval:

NOW, THEREFORE, BE IT

RESOLVED, that the proposal dated May 22, 1996, submitted by Buffalo Telecom, Inc., 175 Kenmore Avenue, Kenmore, New York for the installation of a telephone system in the amount of \$6,020. For the Youth Bureau Facility located at Oxford Park in the Village of Lancaster, be and hereby is accepted.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: rafoneyb

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, Frank Primerano, 2163 Jagow Road, Wheatfield, New York 14304, has submitted a Site Plan dated January 25, 1996 and revised June 10, 1996, for the construction of a Townhouse Development (Como Village Townhouses) located on the west side of Bowen Road, south of Broadway in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting June 26, 1996, recommended approval, and

WHEREAS, this project has been reviewed under the SEQR Regulations and an environmental review was held on November 20, 1995, at which time a Negative Declaration was issued for this project;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Frank Primerano, for the construction of Townhouses to be located on the west side of Bowen Road, south of Broadway in the Town of Lancaster, in accordance with plans prepared by Bissell, Stone Associates dated January 25, 1996 and revised June 10, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: rstcmov

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK , WHO
 MOVED ITS ADOPTION. SECONDED BY
 COUNCIL MEMBER STEMPIAK , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby
 approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
 waived for this permit.

(CSW) = Conditional sidewalk waiver.

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3600	Joe Walter	164 Peppermint Rd	Er. Fence
3601	Another Custom Home	33 Stream View Ln	Er. Sin. Dwlg
3602	Albert Randaccio	17 Cambridge Ct	ER. Sin. Dwlg
3603	M J Ogiony	25 Traceway	Er. Sin. Dwlg
3604	Thomas A Salerno	71 Westwood Rd	Ex. Sin. Dwlg
3605	Patrick Leary	19 Hill Valley Dr	Er. Deck
3606	Denise Reilly	1 Briggs Pl	Er. Deck
3607	Dorothy Okal	185 Iroquois Ave	Er. Fence
3608	Buffalo Tournament Club	6432 Genesee St	Alt. Sin. Dwlg
3609	Todd Dembik	8 Broadmoor Ct	Er. Sin. Dwlg
3610	Capretto Enter Inc	5 Sagebrush Ln	Er. Sin. Dwlg
3611	M J Ogiony	75 Newberry Ln	Er. Sin. Dwlg
3612	Allen Grabenstatter	781 Schwartz Rd	Er. Shed/Fence
3613	Daniel Walczak	23 Quail Run Ln	Er. Shed
3614	Lee Strock	5 Willow Ridge Ct	Er. Shed
3615	Steven Van Debogart	130 Belmont St	Er. Fence
3616	M Schmitt-Chmielewski	18 Riemers Ave	Er. Shed
3617	Robert A Allison	747 Schwartz Rd	Er. Garage
3618	Ryan Homes	16 Park Wlk	Er. Sin. Dwlg
3620	Denise Sweet	203 Westwood Rd	Ex. Sin. Dwlg
3621	M/M Montour	31 Fieldstone Ln	Er. Gas Fireplace
3622	Joseph Abati	10 Overton Ct	Er. Fence

3623	Marrano/Marc Equity	18 Stonehedge Dr	Er. Sin. Dwlg
3624	All Craft Homes	14 Traceway	Er. Sin. Dwlg
3625	Chris Weber	14 Michael Anthony	Er. Fence
3626	John Delbel	9 Harewood Run	Ex. Sin. Dwlg
3627	James P. Sprada	10 Bridgewater Ct	Er. Shed
3628	Robert Wiseman	10 Nichter Rd	Ex. Sin. Dwlg
3629	Jerry & Anne Kajfasz	10 Signal Dr	Er. Deck/Pool
3630	All Craft	12 Traceway	Er. Sin. Dwlg
3631	David Guilfoyle	4943 William St	Dem/Er Garage
3632	Mary Jo LoBrutto	6699 Transit Rd	Dem. Cottages
3633	Cameo Home Bldrs Inc	17 Schilling Ct	Ex. Sin. Dwlg
3634	Joseph Davern	371 Broezel Ave	Er. Shed
3635	John Kaniecki	595 Pleasant View Dr	Er. Shed
3636	Darrin Januszkiewicz	27 Riemers Ave	Er. Deck Roof
3637	Fischione Const Co Inc	46 Stream View Ln	Er. Sin. Dwlg
3638	Stratford Homes Inc	11 Michael Anthony	Er. Sin. Dwlg
3639	Sunshine Custom Homes	6 Caladium Ct	Er. Sin. Dwlg
3640	P. Strickland	57 Markey Ave	Ex. Sin. Dwlg
3641	Stan Szymanski	19 Robins Nest Ct	Er. Fence
3642	Mr/Mrs Gaiser	106 Westwood Rd	Ex. Sin. Dwlg
3643	Dennis Hart	342 Schwartz Rd	Dem. Three Dwlg
3644	George Klug	842 Ransom Rd	Er. Garage
3645	Sunrise Bldrs Inc	21 Cambridge Ct	Er. Sin. Dwlg
3646	Sunrise Bldrs Inc	21 Michael Anthony	Er. Sin. Dwlg
3647	David Jaworski	51 Quail Run La	Er. Deck/Pool
3648	Brenda Van Dick	20 Rue Madeleine Wa	Er. Shed
3650	Randaccio Bldr In	8 Windsor Ridge	Er. Sin. Dwlg
3651	Jeanine Kacala	6 Grace Way	Er. Pool
3653	Lehigh Const Group Inc	4334 Walden Ave	Er. Office/Warehouse
3654	DiPaolo Excavating	5423 Genesee St	Dem. Sin. Dwlg
3655	Jack D Macholz	31 Spruceland Terr	Er. Fence
3656	M J Ogiony Bldrs	72 Michael's Wlk	Er. Sin. Dwlg
3657	Parkhaven Bldrs, Inc	6 Village View	Er. Sin. Dwlg

3658	Parkhaven Bldrs, Inc	111 Michael's Wlk	Er. Shed
3659	R. Bradley Empfield	6 Traceway	Er. Deck
3660	Essex Homes of WNY	11 Willow Ridge Ln	Er. Sin. Dwlg
3661	Essex Homes of Wny	18 Quail Run Ln	Er. Sin. Dwlg
3662	Burke Brothers Const.	2 Hampton Ct	Er. Sin. Dwlg
3663	Karen Besecker	39 Steinfeldt Rd	Er. Deck, Pool
3664	Beauty Pools	5270 William St	Er. Pool
3665	Mike Mason	234 Stony Rd	Er. Patio
3666	Joyce Myszk	4982 William St	Dem/Er Shed/Room
3667	Joanne Matuszewski	25 Riemers Ave	Er. Deck Roof

and,

BE IT FURTHER

RESOLVED, that Building Permit No. 3619 applied for by Donato Developers Inc. for property situate at 13 Traceway to erect a single dwelling, and Building Permit No. 3649 applied for by Donato Developers Inc. for property situate at 53 Michaels Walk to erect a single dwelling and Building Permit No. 3652 applied for by Donato Developers Inc. for property situate at 73 Michaels Walk to erect a single dwelling be and are hereby tabled, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	ABSTAINED ***
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

*** Council Member Montour abstained from voting on this matter stating that one of the building permits concerned property in which he has an interest.

PREFILED RESOLUTION NO. 19 - MEETING OF 08/05/96

19. Kwak/_____ Amend Zoning Ordinance Re: Map Change Petition Bella
Vista Group Inc Transit William Area

At the request of Council Member Kwak, this resolution was withdrawn.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER , TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 9172 to Claim No. 9532 Inclusive

Total amount hereby authorized to be paid: **\$1,386,654.71**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

File: RCLAIMS

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, a replacement of the regularly scheduled meeting of the Lancaster Town Board set for August 19, 1996 would be feasible due to vacations of Town Board members and the inability to muster a quorum for this meeting.

NOW, THEREFORE, BE IT

RESOLVED, that so much of Rule 1 of the Rules of Order of the Town of Lancaster, as adopted by the Town Board on January 1, 1996, be amended to provide for replacement of the regular meeting originally scheduled to be held on August 19, 1996 with a meeting to be held on August 26, 1996, said replacement meeting to be held at the Lancaster Town Hall at 8:00 P.M. at the usual time and place for regular Town Board meetings.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK . WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER . TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for Westwood Park, Phase II, and

WHEREAS, bids were received and opened on July 29, 1996, and

WHEREAS, Donald Gallo, Consulting Engineer has reviewed the bids for Contracts 12BP (Bike Path); 12ST (Shelters) and 12SP (Site Preparation) and by letters dated July 31, 1996, has recommended that the lowest responsible bidders for said Contracts, in conformance with the specifications are as follows:

--Contract No. 12BP (Bike Path)	Amount
Chesley Corporation	\$234,360.
28 Garden Avenue	
West Seneca, New York 14224	
--Contract No. 12ST (Shelters)	
Chesley Corporation	237,305.
28 Garden Avenue	
West Seneca, New York 14224	
--Contract No. 12SP (Site Preparation)	
Chesley Corporation.	93,000.
28 Garden Avenue	
West Seneca, New York 14224	

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards Contract No. 12BP (Bike Path) in the amount of \$234,360.00 to Chesley Corporation; Contract No. 12ST (Shelters) in the amount of \$237,305.00 to Chesley Corporation; and Contract No. 12SP (Site Preparation) in the amount of \$93,000.00 to Chesley Corporation, being the lowest responsible bidder in conformance on file in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 5, 1996

COMMUNICATIONS

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534. Receiver of Taxes to Town Board -
Transmittal of final settlement payment to County of 1996 of County/Town tax warrant. **DISPOSITION:** Received & Filed
535. Eastwood Association, Inc. To Town Board -
Transmittal of residents' petition opposing Bella Vista rezone petition for William and Transit proposed theater complex. **DISPOSITION:** Received & Filed
536. Care for Lancaster to Town Board and Planning Board Members -
Concerns re: policy on rezoning with request for adoption of Master Plan.
DISPOSITION: Received & Filed
537. Receiver of Taxes to Town Board -
Transmittal of final report of 1996 County/Town tax warrant. **DISPOSITION:** Received & Filed
538. Town Engineer to Town Board -
Recommend acceptance of street lighting improvement within Hunters Creek North Subdivision. **DISPOSITION:** Received & Filed
539. Municipal Insurance Consultants Inc to Councilman Montour -
Re: contract between Town and Municipal Insurance Consultant Inc.
DISPOSITION: Received & Filed
540. Town Engineer to Town Board -
Recommends resolution authorizing Change Orders for Youth Bureau.
DISPOSITION: Received & Filed
541. A/E Group, Inc. To Supervisor -
Letter of appreciation re. meeting follow-up. **DISPOSITION:** Received & Filed
542. Supervisor to Clough, Harbour & Associates, LLP -
Advisement of firm's status at Tops Distribution Center. **DISPOSITION:** Received & Filed
543. Niagara Frontier Builders' Association Inc to Supervisor -
Letter of appreciation for helping to make the Horizons '96 Home Show a success.
DISPOSITION: Received & Filed
544. Tri Star International to Supervisor -
Offers solution for mosquito crisis. **DISPOSITION:** Received & Filed
545. Office of State Comptroller to Local Official -
Announcement of free service to improve procedures - \$SMART.
DISPOSITION: Received & Filed
546. John Scherlein to Supervisor -
Expressed opposition to proposal to build indoor arena on Wehrle Drive.
DISPOSITION: Received & Filed
547. Joseph J. Naples Companies to director of Administration and Finance -
Recommendations Re: 1996-1997 Insurance Renewal Program.
DISPOSITION: Received & Filed
548. Lawley Service, Inc. To Supervisor -
Comments Re: Insurance renewal. **DISPOSITION:** Received & Filed
549. John Zimmerman to Supervisor -
Request for consideration for permanent employment with Parks Dept.
DISPOSITION: Received & Filed
550. Benderson Development Company to Town Board -
Transmittal of amendment to rezone application for Theater complex on Transit/Wehrle. **DISPOSITION:** Planning Committee

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551. Benderson Development Company to Town Board -
Transmittal of site plan for amendment application for Theater complex on Transit Wehrle. **DISPOSITION:** Planning committee
552. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney -
Transmittal of variance petitions for meeting of August 8, 1996.
DISPOSITION: Received & Filed
553. John Gambon to Town Board -
Request that the Rezone application of Bella Vista for theater complex on Transit/Wehrle be turned down.
DISPOSITION: Received & Filed
554. Lancaster Records Management Officer to State Archives & Records Administration
Transmittal of "Final Narrative Project Performance Report For Technology Projects" and a copy of GIS Needs Assessment. **DISPOSITION:** Received & Filed
555. Erie County Div of Planning to Town Board -
Reply to Municipality Re: rezone application for Transit/William.
DISPOSITION: Planning Committee
556. Erie County Div of Planning to Town Board -
Reply to municipality on rezone application on west side of Bowen Road, south of Broadway. **DISPOSITION:** Planning Committee
557. Town Clerk to Planning Board Chairwoman -
Transmittal of rezone application for air supported dome on Wehrle Drive and Harris Hill Road. **DISPOSITION:** Planning Committee
558. Council Member Montour to Town Board -
Comments re future requirements for developers of residential subdivisions.
DISPOSITION: Planning Committee
559. Dorothy Joseph to Supervisor -
Follow up to correspondence re: property on Genesee Street.
DISPOSITION: Received & Filed
560. Council Member Montour to Building Inspector -
Requesting assistance in regards to overgrown grass and debris on subplot located at corner of Aurora Street and Southpoint Subdivision. **DISPOSITION:** Building Inspector
561. American Ref-Fuel to Supervisor -
Notification of rate changes effective 1/1/97. **DISPOSITION:** Received & Filed
562. Deputy Commissioner of Highways to Town Board -
Certificate & notice of highway closure. **DISPOSITION:** Received & Filed
563. Police Chief to Supervisor -
Requests appointment of Angela Stewart to position of Part Time Police Dispatcher effective 7/25/96. **DISPOSITION:** Received & Filed
564. Adelphia Cable to Supervisor -
Transmittal of quarterly newsletter. **DISPOSITION:** Received & Filed
565. Erie County Legislator Frederick Marshall to Supervisor -
Requests comments on proposed legislation to regulate communication towers.
DISPOSITION: Received & Filed
566. Boston Hotel Steak And Crab House -
Notification of application for liquor license. **DISPOSITION:** Planning Committee
567. Town Clerk to Town Board -
Informs the Town Board Members of distribution to all property owners receiving Rezone notices a copy of "Frequently Asked Questions". **DISPOSITION:** Received & Filed

568. Town Clerk to Planning Board Chairwoman -
Transmittal of Traffic Impact Study for Epic Corporation. **DISPOSITION:** Planning Committee
569. Town Clerk to Planning Board Chairwoman -
Transmittal of amended rezone petition for Dunbar Development, LLC.
DISPOSITION: Planning Committee
570. Town Line Fire Department to Town Board -
Requests the addition of one name to membership roster. **DISPOSITION:** Received & Filed
571. Bella Vista Group to Town Board -
Transmittal of Amended Rezone Petition for Theater complex on Transit Road/William Street. **DISPOSITION:** Planning Committee
572. Jack Newhouse to Town Board -
Concerns he would like Town Board to address. **DISPOSITION:** Received & Filed
573. Town Clerk to Supervisor -
Transmittal of Monthly Report for July 1996. **DISPOSITION:** Received & Filed
574. LUH Consulting Services to Supervisor -
Introduction to Consulting Services. **DISPOSITION:** Received & Filed
575. Joe Adamec to Supervisor -
Letter supporting the multi purpose athletic facility at Wehrle and Harris Hill.
DISPOSITION: Received & Filed
576. NYSDEC to Brian V. Harrison, Sr Engr., Conrail -
Re: Conrail Walden Running Track and J D Industrial Track Abandonment.
DISPOSITION: Received & Filed
577. Norman K. Saelzler to Supervisor -
Letter of opposition re. theater complex at William and Transit. **DISPOSITION:** Received & Filed
578. DEL Chamber of Commerce to Supervisor -
Letter supporting zoning change for Epic Sports Dome at Wehrle and Harris Hill.
DISPOSITION: Received & Filed
579. NYSDOT to Supervisor -
Advisement of town's grant portion of CHIPS for the SFY 95-96.
DISPOSITION: Highway Superintendent & Director of Administration & Finance
580. NYSWCB to Insurance Carriers and Self Insured Employers -
Notification of suspension of hearings - week of August 19, 1996.
DISPOSITION: Received & Filed
581. Clough, Harbour & Associates to Supervisor -
Invoice for Engineering Services at Tops Construction site.
DISPOSITION: Received & Filed
582. County Dept of E & P to Supervisor -
Re: Cellular Towers, Personal Communication Systems. **DISPOSITION:** Received & Filed
583. Donald G. Fiscus, Jr. to Supervisor and Town Board -
Letter Opposing rezoning of William at Transit for theater complex.
DISPOSITION: Received & Filed
584. Supervisor to Town Clerk -
Transmittal of 89 petitions containing 149 signatures against the theater complex at William and Transit. **DISPOSITION:** Received & Filed

ADJOURNMENT:

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ON MOTION OF COUNCIL MEMBER KWAK, AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:00 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk